

IN THE MATTER OF )  
LOCAL RULES )  
FOR COURTS OF RECORD IN )  
DECATUR COUNTY )

**NOTICE OF PROPOSED AMENDED LOCAL RULE, FINDING OF  
GOOD CAUSE TO DEVATE FROM THE SCHEDULE FOR  
AMENDING LOCAL COURT RULES, AND REQUEST FOR  
SUPREME COURT APPROVAL**

The judges of the courts or record of Decatur County have met and reviewed the 2009 weighted caseload statistics of the courts of record, and have decided to amend their caseload allocation plan in order to more evenly distribute the judicial workload. Notice is hereby given to the bar and the public that the Decatur Circuit and Superior Courts are amending their caseload allocation plan at LR16-CR 2.2-1 and LR16-AR00-1, effective **June 1, 2011**. The Judges of these courts find good cause to deviate from the schedule for amending local court rules under Trial Rule 81 (D), and request Supreme Court approval for this amendment.

A copy of the proposed amendment may be viewed or obtained in the office of the Clerk of Decatur Circuit Court located at 150 Courthouse Square, Suite 244, Greensburg, IN 47240. A copy may also be viewed on the Indiana Judicial website at: <http://www.in.gov/judiciary/Decatur/>

## COMMENTS

Comments on the proposed amendment will be received until **May 27, 2011** and should be sent to Matthew D. Bailey, Judge, Decatur Superior Court, 150 Courthouse Square, Suite 219, Greensburg, IN 47240, or by email: [superiorcourt@decaturcounty.in.gov](mailto:superiorcourt@decaturcounty.in.gov).

**EFFECTIVE DATE**

The amended rule will take effect on **June 1, 2011**, if approved by the Indiana Supreme Court.

Dated this 20th day of April, 2011.

\_\_\_\_\_/S/\_\_\_\_\_  
John A. Westhafer  
Judge, Decatur Circuit Court

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Matthew D. Bailey  
Judge, Decatur Superior Court

1. When a court has personal jurisdiction of the defendant under a pending criminal cause or probation, any new criminal cause against that defendant shall be filed in that same court having such jurisdiction. The filing rule under this paragraph shall have priority over all other provisions of the filing rules.
2. If a court does not already have personal jurisdiction over the defendant, the Decatur Superior Court shall have exclusive jurisdiction over all charges filed under Titles 7.1, 9, and 14 of the Indiana Code. The Decatur Circuit Court shall have exclusive jurisdiction over all charges filed under Title 35, Article 43 of the Indiana Code.
3. In all other criminal actions presented for filing, the Decatur County Clerk shall, by random selection, assign one-third (1/3) of the felony cases and ~~one-half (1/2)~~ two-thirds (2/3) of the misdemeanor cases to the Decatur Superior Court and shall, by random selection, assign two-thirds (2/3) of the felony cases and ~~one-half (1/2)~~ one-third (1/3) of the misdemeanor cases to the Decatur Circuit Court.
4. Where multiple counts or defendants have been charged, the most serious offense shall dictate the classification to be assigned to the case for purposes of implementing the random selection process in paragraph 3. If a conflict of subject matter jurisdiction arises under paragraph 2, the subject matter of the most serious offense shall determine the court assignment. If there is any further conflict under these rules, the method of random selection used to determine court assignment, as provided in paragraph 3, will be utilized.
5. Where the investigation of an event results in criminal charges against more than one defendant, all criminal charges arising from the investigation shall be filed with the same court. If among the group of defendants, charges are pending in both courts against more than one in the group, the Clerk shall determine the appropriate court by random selection, as provided under paragraph 3.
6. When charges against a defendant have been filed and dismissed, any subsequent charges filed against the same defendant arising out of the same investigation shall be filed with the court to which the case was originally assigned.
7. Judges of the Decatur Circuit Court and the Decatur Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court any pending case, subject to acceptance by that court. In addition, in order to comply with Criminal Rule 13, reassignment shall be made on a rotating basis to one of the judges of the following courts: Shelby Circuit Court, Shelby Superior Courts 1 and 2, Bartholomew Circuit Court, Bartholomew Superior Courts 1 and 2, Rush Circuit Court, Rush Superior Court, Jennings Circuit Court, Jennings Superior Court, Ripley Circuit Court, Ripley Superior Court, and Franklin Circuit Court.

8. When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a Special judge under the applicable procedural rules.

*(Adopted May 22, 2008, effective January 1, 2009; **amended effective June 1, 2011**)*

#### **LR16-AR00-1          CIVIL CASE FILINGS**

Civil cases may be filed in either court in Decatur County with the following exceptions:

1. All juvenile cases (CHINS and delinquency) are filed in Circuit Court.
2. All small claims cases and protective order cases are filed in Superior Court.